

REMARKS

Claims 8-25 were pending in the application. Claims 8-15 are rejected under 35 USC 112 because claim 8 contains a "retrieval mechanism" that the Examiner did not see described in the specification. Claims 8-15 are further rejected under 35 USC 112 for lack of clarity and antecedents in the claims. Claims 8-10, 14-18, and 22-25 are rejected under 35 USC 102(e) as being anticipated by Goodman et al. (US 7,130,921 B2). Claims 11, 12, 19, and 20 are rejected under 35 USC 103(a) as being unpatentable over Goodman in view of Dutta et al. (US 2003/0050966 A1). Claims 13 and 21 are rejected under 35 USC 103(a) as being unpatentable over Goodman in view of Dutta and further in view of Bowman (US 2003/0208621).

Claim 10 is canceled herein. Claims 8 and 16 are amended. Claim 26 is new, with gateway selection limitations supported by paragraphs [0024], [0025], and lines 1-5 of paragraph [0035]. No new matter is added.

Response to rejections under 35 USC 112:

Claim 8: A "retrieval mechanism" is described in paragraph 6 of the background section. P2P retrieval mechanisms are known in the prior art, for example in the Gnutella specification described in this paragraph.

Regarding the distinctness of claims 8-25: Each communication component on a network has a unique network address, but each component does not know the unique addresses of other components until a network administrator supplies them, or in the case of the invention, a search is done to ascertain them. The adjective "current" is appropriate because network components can be removed and added, and addresses can be reassigned by network administrators and subscribers (changing of a phone number for instance). See paragraphs [0014] and [0037]. Also the addresses of which servers offer a given file may change. Claims 1 and 16 have been amended to clarify the ascertaining of network addresses of others by a communication component.

Response to rejections under 35 USC 102(e):

For anticipation to occur under 35 USC 102, every aspect of the claimed invention must be disclosed or implied in a single prior art reference. This criteria is not met by the cited prior art, as argued below.

Unlike Applicants' invention, Goodman does not have a client and server in the same communications component. Instead, Goodman has a central server 102 and separate remote clients 106-120. Although the clients 106-120 perform file storage and retrieval functions, they do not perform network traffic and control functions, which are only performed by the central server. Thus, Goodman provides a type of hybrid system as described in his background section col. 1 lines 58-62 and col. 2 lines 44-59. It has neither a centrally controlled architecture, nor a pure P2P architecture (col. 2, lines 60-67 and col. 4, lines 18-24).

Applicants' system, in contrast, is a pure P2P architecture without central traffic control, in which multiple communication components have both client and server functionalities. Applicant overcomes the disadvantages of P2P architectures mentioned in Goodman himself in col. 2, lines 34-44 and col. 4, lines 50-51. In these lines, Goodman explicitly teaches away from P2P architectures, and thus teaches away from Applicants' invention.

Examiner himself notes this distinction on page 8-9 of the office action, in which he quotes an excerpt from Goodman col. 4, lines 50-64: "Reduced Network Activity -- Unlike a pure P2P network, clients need not ping the other clients continuously. Instead, a client maintains awareness of other connected clients by downloading the list of IP addresses from the server periodically."

Examiner appears to have misinterpreted Goodman col. 5, lines 39-46 as referring to client operations. These lines refer to IP address maintenance by the server, not the client. See the previous sentence (col. 5, lines 37-39).

Note that when Goodman describes in col. 3 lines 28-30 "a client in a peer-to-peer network having a server and a multiplicity of clients" he does not mean that the client has a server, but that the network has a server. This is clear from the rest of the description and drawings, as argued above, and is also clarified in his claim 16: "A client in a peer-to-peer network, the network having a server and a multiplicity of clients".

The independent claims herein recite that at least some communication components on the network comprise both client and server functionalities, and further that the client functionalities perform address searching and acquisition from other client/servers on the network. The dependent claims recite further unique details of Applicants' architecture.

Response to rejections under 35 USC 103(e):

For obviousness to occur under 35 USC 103, any modification needed for anticipation must be suggested by the prior art, not by the Applicant's invention, it must work, and it must produce the Applicant's invention. These criteria are not met by the cited prior art, as argued below.

The present invention overcomes the prior disadvantages of both centrally controlled and P2P network architectures stated in the background section of Goodman. Applicants accomplish this by enhancements to P2P architecture that were certainly not obvious to Goodman, as evinced in the reference itself at col. 1, lines 34-44 and col. 4, lines 50-51.

The proposed addition of server state information of Dutta and/or the usage cost information of Bowman to the teachings of Goodman does not change the distinction in architecture between Goodman and Applicant as argued above and as recited in the present independent claims. Furthermore Goodman explicitly teaches away from P2P architectures as discussed above. Thus, motivation is lacking to convert Goodman into a P2P architecture without a central address server as in Applicant's invention.

(Please continue to page 9.)

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 8/13/07

By: J/P/Musone

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830